

ENTERED

March 08, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

JOSE CONEJO,

Plaintiff,

VS.

DISH NETWORK L.L.C., *et al*,

Defendants.

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CIVIL ACTION NO. 7:19-CV-28

ORDER

Before the Court is Jose Conejo’s (“Plaintiff”) “Agreed Amended Motion to Remand.”¹ The Court also considers the previously filed “Opposed Motion to Remand,”² as well as “Notice of No Opposition to Remand”³ filed by Dish Network L.L.C. and Gelco Fleet Trust (collectively “Defendants”).

In the motion, the Plaintiff notifies the Court that it was recently disclosed that Adan Pina, III a currently unserved defendant is a Texas citizen.⁴ Further, Plaintiff indicates that Defense counsel has agree to accept service on behalf of Adan Pina, III. Because removal was based on 28 U.S.C. § 1332(a), which confers jurisdiction on this Court when the parties are completely diverse and the amount in controversy exceeds \$75,000, and the motion informs the Court that the parties are not fully diverse, the Court finds that it lacks jurisdiction over the case.

¹ Dkt. No. 15.

² Dkt. No. 10.

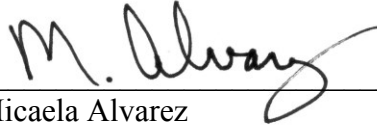
³ Dkt. No. 13.

⁴ The Court notes that in his motion Plaintiff refers to the party to this suit, Adan Pina, III, as “Adam” Pina, III. The Court assumes this is a scrivener’s error.

Accordingly, the Court **GRANTS** the motion and **REMANDS** this case to Hidalgo County Court at Law No. 8.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 8th day of March, 2019.

A handwritten signature in black ink, appearing to read "M. Alvarez", is written over a horizontal line.

Micaela Alvarez
United States District Judge